IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Tr.P(C).No. 198 of 2007()

OP.727/2007 of FAMILY COURT, KOTTAYAM
.....

: PETITIONER/RESPONDENT

NEJIM SHAH,
D/O. MUHAMMED HANEEFA,
HANEEFA MANZIL, TC NO. 49/192
MANACAUD P.O., KALLATTU NAGAR,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENT: PETITIONER

ANSAR T.H.
S/O. HAMMED BAVA,THOPPIL HOUSE,
MARKET ROAD, CHANGANASSERY,
KOTTAYAM DISTRICT.

BY ADV. SRI.SIRAJ KAROLY

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON IA 2347/07 IN Tr.P(C) 198/07

DISMISSED.

SD/- M.N.KRISHNAN,JUDGE.

14/11/2007

M.N.Krishnan, J.

==========

Tr.P(C).No.198 of 2007

==========

Dated this the 14th day of November, 2007.

JUDGMENT

This Transfer Petition is filed by the wife to transfer O.P. 727 of 2007 pending before the Family Court, Ettumanoor to the Family Court,Thiruvananthapuram. Husband has filed an application for restitution of conjugal rights. It is submitted by the wife that at present she is residing at Thiruvananthapuram and she is having two year old child. Further, her father is un-well and there is nobody to accompany her to Ettumanoor for the conduct of the case. Learned counsel for the husband on the other hand would contend that counselling will be sufficient to make the couple united and there are no valid grounds for transfer.

2. It is true that the distance between Thiruvananthapuram and Ettumanoor is more than 150 kms. and the wife has to travel with the two year old child. It is submitted that her father is incapacitated to accompany her. So, taking into consideration

these facts, I feel that it is a fit case where transfer has to be allowed. Therefore, the Transfer petition is allowed and O.P.No.727 of 2007 pending before the Family Court, Ettumanoor is transfer to the Family Court, Thiruvananthapuram. I make it clear that the Family Court shall only insist the presence of the husband for the purpose of counselling and for evidence and when applications are filed on genuine ground for exemption, it has to be granted. Being a petition for restitution of conjugal rights, the Family Court, Thiruvananthapuram may try for an early counselling, so that there can be an end to the problem of both parties.

M.N.Krishnan,
Judge.

ess 14/11